



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5182

by Rep. Marlow H. Colvin

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/Act title	Unified Code of Corrections.
730 ILCS 5/5-5.5-40	
730 ILCS 110/9b	from Ch. 38, par. 204-1b
730 ILCS 110/13	from Ch. 38, par. 204-5
730 ILCS 110/14	from Ch. 38, par. 204-6
730 ILCS 110/15	from Ch. 38, par. 204-7
730 ILCS 110/15.1	from Ch. 38, par. 204-7.1
730 ILCS 110/16	from Ch. 38, par. 204-8
730 ILCS 110/16.1	

Amends the Unified Code of Corrections and the Probation and Probation Officers Act. Abolishes the Division of Probation Services of the Illinois Supreme Court. Transfers the Division's powers and duties to the Illinois Office of Probation Services. Transfers various functions relating to probation services from the chief judge of the circuit court or his or her designee to the county board or the county board chairman or president.

LRB095 19500 RLC 46047 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by  
5 changing the title of the Act and Section 5-5.5-40 as follows:

6 (730 ILCS 5/Act title) (Unified Code of Corrections.)

7 An Act to create a comprehensive Code of Corrections in  
8 relation to the diagnosis and evaluation of offenders and  
9 persons charged with offenses, the sentencing, correction and  
10 parole of offenders, the establishment of the Illinois Office  
11 of Probation Services ~~a Division of Probation Services within~~  
12 ~~the Administrative Office of the Illinois Courts to be~~  
13 ~~administered by it~~, and to repeal certain Acts and parts of  
14 Acts herein named.

15 (730 ILCS 5/5-5.5-40)

16 Sec. 5-5.5-40. Forms and filing.

17 (a) All applications, certificates, and orders of  
18 revocation necessary for the purposes of this Article shall be  
19 upon forms prescribed under an agreement among the Director of  
20 Corrections and the Chairman of the Prisoner Review Board and  
21 the Chief Justice of the Supreme Court or his or her designee.  
22 The forms relating to certificates of relief from disabilities

1 shall be distributed by the Director of the Illinois Office of  
2 Probation Services ~~Division of Probation Services~~ and forms  
3 relating to certificates of good conduct shall be distributed  
4 by the Chairman of the Prisoner Review Board.

5 (b) Any court or board issuing or revoking any certificate  
6 under this Article shall immediately file a copy of the  
7 certificate or of the order of revocation with the Director of  
8 State Police.

9 (Source: P.A. 93-207, eff. 1-1-04.)

10 Section 10. The Probation and Probation Officers Act is  
11 amended by changing Sections 9b, 13, 14, 15, 15.1, 16, and 16.1  
12 as follows:

13 (730 ILCS 110/9b) (from Ch. 38, par. 204-1b)

14 Sec. 9b. For the purposes of this Act, the words and  
15 phrases described in this Section have the meanings designated  
16 in this Section, except when a particular context clearly  
17 requires a different meaning.

18 (1) "Agency" means the Illinois Office of Probation  
19 Services ~~"Division" means the Division of Probation Services of~~  
20 ~~the Supreme Court.~~

21 (2) "Department" means a probation or court services  
22 department that provides probation or court services and such  
23 other related services assigned to it by the circuit court or  
24 by law.

1           (3) "Probation Officer" means a person employed full time  
2 in a probation or court services department providing services  
3 to a court under this Act or the Juvenile Court Act of 1987. A  
4 probation officer includes detention staff, non-secure group  
5 home staff and management personnel who meet minimum standards  
6 established by the Agency ~~Supreme Court~~ and who are hired under  
7 the direction of the county board ~~circuit court~~. These  
8 probation officers are judicial employees designated on a  
9 circuit wide or county basis and compensated by the appropriate  
10 county board or boards.

11           (4) "Basic Services" means the number of personnel  
12 determined by the Agency ~~Division~~ as necessary to comply with  
13 adult, juvenile, and detention services workload standards and  
14 to operate authorized programs of intermediate sanctions,  
15 intensive probation supervision, public or community service,  
16 intake services, secure detention services, non-secure group  
17 home services and home confinement.

18           (5) "New or Expanded Services" means personnel necessary to  
19 operate pretrial programs, victim and restitution programs,  
20 psychological services, drunk driving programs, specialized  
21 caseloads, community resource coordination programs, and other  
22 programs designed to generally improve the quality of probation  
23 and court services.

24           (6) "Individualized Services and Programs" means  
25 individualized services provided through purchase of service  
26 agreements with individuals, specialists, and local public or

1 private agencies providing non-residential services for the  
2 rehabilitation of adult and juvenile offenders as an  
3 alternative to local or state incarceration.

4 (7) "Jurisdiction" means the geographical area of  
5 authority of a probation department as designated by the county  
6 board ~~chief judge of each circuit court~~ under Section 15 of  
7 this Act.

8 (Source: P.A. 89-198, eff. 7-21-95.)

9 (730 ILCS 110/13) (from Ch. 38, par. 204-5)

10 Sec. 13. It shall be the duty of the director of the court  
11 services department or the chief probation officer, appointed  
12 as provided in this act, to supervise and control the work of  
13 all subordinate court services or probation officers under his  
14 or her jurisdiction subject to the general administrative and  
15 supervisory authority of the Chief Circuit Judge or another  
16 judge designated by the Chief Circuit Judge, and to control and  
17 supervise, as herein provided, the conduct of probationers to  
18 such extent as the court may direct.

19 The county board ~~Chief Circuit Judge, or another judge~~  
20 ~~designated by the Chief Circuit Judge to have general~~  
21 ~~administrative and supervisory authority over the director of~~  
22 ~~the court services department or the chief probation officer,~~  
23 may authorize the director or chief probation officer to  
24 appoint all subordinate court services department officers or  
25 probation officers, who shall serve at the pleasure of the

1 director or chief probation officer.

2 In addition to the authority to discharge such subordinate  
3 officers, the director or chief probation officer may impose  
4 lesser disciplinary sanctions as the circumstances warrant in  
5 the judgment of the director or chief probation officer. Any  
6 disciplinary action taken by the director or chief probation  
7 officer shall be in accordance with any State or federal laws  
8 that may be applicable.

9 It shall be the duty of the county board to furnish  
10 suitable rooms and accommodations, equipment and supplies for  
11 probation officers and clerical assistants in that  
12 jurisdiction and for the keeping of the records, equipment and  
13 supplies of the office. The number of clerical assistants shall  
14 be determined by the county board ~~Chief Circuit Judge or~~  
15 ~~another judge designated by the Chief Circuit Judge to have~~  
16 ~~general administrative and supervisory authority over the~~  
17 ~~director of the court services department or the chief~~  
18 ~~probation officer~~ and shall be appointed by the director or  
19 chief probation officer. Salaries of clerical assistants shall  
20 be fixed by the county board.

21 (Source: P.A. 91-357, eff. 7-29-99.)

22 (730 ILCS 110/14) (from Ch. 38, par. 204-6)

23 Sec. 14. The amount of compensation to be paid any court  
24 services or probation officer, including a director of a court  
25 services department or a chief probation officer appointed by

1 any circuit court, shall be determined by the county boards of  
2 the several counties in which such officers, respectively, are  
3 appointed, and shall be paid by the county treasurer on the  
4 warrant of the county comptroller or other person authorized to  
5 issue warrants on the county treasurer; and such salary and  
6 reimbursement for expenses of such chiefs and probation  
7 officers serving throughout such circuit or probation officer  
8 district shall be apportioned between such counties on the  
9 basis of their population as determined by the last national  
10 census, and the respective portions thereof shall be paid by  
11 the county treasurer upon warrants issued by the chairman or  
12 president of the county board ~~Chief Circuit Judge~~. All such  
13 expenses after being certified by the chairman or president of  
14 the county board ~~Chief Circuit Judge~~, and approved by the board  
15 of such county, shall be paid by the county treasurer on  
16 warrant by the proper county officer. No probation officer  
17 receiving compensation from any public funds under the  
18 provisions of this Act shall receive any compensation, gift or  
19 gratuity whatsoever from any person, firm or corporation for  
20 doing or refraining from doing any official act in any way  
21 connected with any proceeding then pending or about to be  
22 instituted in any court with which the probation officer has to  
23 do. Any probation officer receiving compensation from any  
24 public funds under this Act, who receives any compensation,  
25 gift or gratuity whatever from any person, firm or corporation  
26 for doing or refraining from doing any official act in any way

1 connected with any proceeding then pending or about to be  
2 instituted in any court with which the probation officer has to  
3 do, is guilty of a misdemeanor, and shall be punished  
4 accordingly, and shall be immediately removed.

5 (Source: P.A. 84-692.)

6 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

7 Sec. 15. (1) The State ~~Supreme Court~~ of Illinois may  
8 establish an Office ~~a Division~~ of Probation Services whose  
9 purpose shall be the development, establishment, promulgation,  
10 and enforcement of uniform standards for probation services in  
11 this State, and to otherwise carry out the intent of this Act.

12 The Agency ~~Division~~ may:

13 (a) establish qualifications for chief probation  
14 officers and other probation and court services personnel  
15 as to hiring, promotion, and training.

16 (b) make available, on a timely basis, lists of those  
17 applicants whose qualifications meet the regulations  
18 referred to herein, including on said lists all candidates  
19 found qualified.

20 (c) establish a means of verifying the conditions for  
21 reimbursement under this Act and develop criteria for  
22 approved costs for reimbursement.

23 (d) develop standards and approve employee  
24 compensation schedules for probation and court services  
25 departments.

1           (e) employ sufficient personnel in the Agency Division  
2 to carry out the functions of the Agency Division.

3           (f) establish a system of training and establish  
4 standards for personnel orientation and training.

5           (g) develop standards for a system of record keeping  
6 for cases and programs, gather statistics, establish a  
7 system of uniform forms, and develop research for planning  
8 of Probation Services.

9           (h) develop standards to assure adequate support  
10 personnel, office space, equipment and supplies, travel  
11 expenses, and other essential items necessary for  
12 Probation and Court Services Departments to carry out their  
13 duties.

14           (i) review and approve annual plans submitted by  
15 Probation and Court Services Departments.

16           (j) monitor and evaluate all programs operated by  
17 Probation and Court Services Departments, and may include  
18 in the program evaluation criteria such factors as the  
19 percentage of Probation sentences for felons convicted of  
20 Probationable offenses.

21           (k) seek the cooperation of local and State government  
22 and private agencies to improve the quality of probation  
23 and court services.

24           (l) where appropriate, establish programs and  
25 corresponding standards designed to generally improve the  
26 quality of probation and court services and reduce the rate

1 of adult or juvenile offenders committed to the Department  
2 of Corrections.

3 (m) establish such other standards and regulations and  
4 do all acts necessary to carry out the intent and purposes  
5 of this Act.

6 The Agency Division shall establish a model list of  
7 structured intermediate sanctions that may be imposed by a  
8 probation agency for violations of terms and conditions of a  
9 sentence of probation, conditional discharge, or supervision.

10 The State of Illinois shall provide for the costs of  
11 personnel, travel, equipment, telecommunications, postage,  
12 commodities, printing, space, contractual services and other  
13 related costs necessary to carry out the intent of this Act.

14 (2) (a) Each county ~~The chief judge of each circuit~~ shall  
15 provide full-time probation services for its county ~~all~~  
16 ~~counties~~ within the circuit, in a manner consistent with the  
17 annual probation plan, the standards, policies, and  
18 regulations established by the Agency ~~Supreme Court~~. A  
19 probation district of two or more counties within a circuit may  
20 be created for the purposes of providing full-time probation  
21 services. Every county or group of counties within a circuit  
22 shall maintain a probation department which shall be under the  
23 authority of the county board ~~Chief Judge of the circuit or~~  
24 ~~some other judge designated by the Chief Judge~~. The county  
25 board ~~Chief Judge~~, through the Probation and Court Services  
26 Department shall submit annual plans to the Agency Division for

1 probation and related services.

2 (b) The county board ~~Chief Judge of each circuit~~ shall  
3 appoint the Chief Probation Officer and all other probation  
4 officers for its county in the ~~his or her~~ circuit from lists of  
5 qualified applicants supplied by the Agency ~~Supreme Court~~.  
6 Candidates for chief managing officer and other probation  
7 officer positions must apply with both the county and the  
8 Agency ~~Chief Judge of the circuit and the Supreme Court~~.

9 (3) A Probation and Court Service Department shall apply to  
10 the Agency ~~Supreme Court~~ for funds for basic services, and may  
11 apply for funds for new and expanded programs or Individualized  
12 Services and Programs. Costs shall be reimbursed monthly based  
13 on a plan and budget approved by the Agency ~~Supreme Court~~. No  
14 Department may be reimbursed for costs which exceed or are not  
15 provided for in the approved annual plan and budget. After the  
16 effective date of this amendatory Act of 1985, each county must  
17 provide basic services in accordance with the annual plan and  
18 standards created by the Agency ~~division~~. No department may  
19 receive funds for new or expanded programs or individualized  
20 services and programs unless they are in compliance with  
21 standards as enumerated in paragraph (h) of subsection (1) of  
22 this Section, the annual plan, and standards for basic  
23 services.

24 (4) The Agency ~~Division~~ shall reimburse the county or  
25 counties for probation services as follows:

26 (a) 100% of the salary of all chief managing officers

1 designated as such by the county and the Agency ~~Chief Judge~~  
2 ~~and the division~~.

3 (b) 100% of the salary for all probation officer and  
4 supervisor positions approved for reimbursement by the  
5 Agency ~~division~~ after April 1, 1984, to meet workload  
6 standards and to implement intensive sanction and  
7 probation supervision programs and other basic services as  
8 defined in this Act.

9 (c) 100% of the salary for all secure detention  
10 personnel and non-secure group home personnel approved for  
11 reimbursement after December 1, 1990. For all such  
12 positions approved for reimbursement before December 1,  
13 1990, the counties shall be reimbursed \$1,250 per month  
14 beginning July 1, 1995, and an additional \$250 per month  
15 beginning each July 1st thereafter until the positions  
16 receive 100% salary reimbursement. Allocation of such  
17 positions will be based on comparative need considering  
18 capacity, staff/resident ratio, physical plant and  
19 program.

20 (d) \$1,000 per month for salaries for the remaining  
21 probation officer positions engaged in basic services and  
22 new or expanded services. All such positions shall be  
23 approved by the Agency ~~division~~ in accordance with this Act  
24 and Agency ~~division~~ standards.

25 (e) 100% of the travel expenses in accordance with  
26 Agency ~~Division~~ standards for all Probation positions

1 approved under paragraph (b) of subsection 4 of this  
2 Section.

3 (f) If the amount of funds reimbursed to the county  
4 under paragraphs (a) through (e) of subsection 4 of this  
5 Section on an annual basis is less than the amount the  
6 county had received during the 12 month period immediately  
7 prior to the effective date of this amendatory Act of 1985,  
8 then the Agency ~~Division~~ shall reimburse the amount of the  
9 difference to the county. The effect of paragraph (b) of  
10 subsection 7 of this Section shall be considered in  
11 implementing this supplemental reimbursement provision.

12 (5) The Agency ~~Division~~ shall provide funds beginning on  
13 April 1, 1987 for the counties to provide Individualized  
14 Services and Programs as provided in Section 16 of this Act.

15 (6) A Probation and Court Services Department in order to  
16 be eligible for the reimbursement must submit to the Agency  
17 ~~Supreme Court~~ an application containing such information and in  
18 such a form and by such dates as the Agency ~~Supreme Court~~ may  
19 require. Departments to be eligible for funding must satisfy  
20 the following conditions:

21 (a) The Department shall have on file with the Agency  
22 ~~Supreme Court~~ an annual Probation plan for continuing,  
23 improved, and new Probation and Court Services Programs  
24 approved by the Agency ~~Supreme Court~~ or its designee. This  
25 plan shall indicate the manner in which Probation and Court  
26 Services will be delivered and improved, consistent with

1 the minimum standards and regulations for Probation and  
2 Court Services, as established by the Agency ~~Supreme Court~~.

3 In counties with more than one Probation and Court Services  
4 Department eligible to receive funds, all Departments  
5 within that county must submit plans which are approved by  
6 the Agency ~~Supreme Court~~.

7 (b) The annual probation plan shall seek to generally  
8 improve the quality of probation services and to reduce the  
9 commitment of adult offenders to the Department of  
10 Corrections and to reduce the commitment of juvenile  
11 offenders to the Department of Juvenile Justice and shall  
12 require, when appropriate, coordination with the  
13 Department of Corrections, the Department of Juvenile  
14 Justice, and the Department of Children and Family Services  
15 in the development and use of community resources,  
16 information systems, case review and permanency planning  
17 systems to avoid the duplication of services.

18 (c) The Department shall be in compliance with  
19 standards developed by the Agency ~~Supreme Court~~ for basic,  
20 new and expanded services, training, personnel hiring and  
21 promotion.

22 (d) The Department shall in its annual plan indicate  
23 the manner in which it will support the rights of crime  
24 victims and in which manner it will implement Article I,  
25 Section 8.1 of the Illinois Constitution and in what manner  
26 it will coordinate crime victims' support services with

1 other criminal justice agencies within its jurisdiction,  
2 including but not limited to, the State's Attorney, the  
3 Sheriff and any municipal police department.

4 (7) No statement shall be verified by the Agency ~~Supreme~~  
5 ~~Court~~ or its designee or vouchered by the Comptroller unless  
6 each of the following conditions have been met:

7 (a) The probation officer is a full-time employee  
8 appointed by the Agency ~~Chief Judge~~ to provide probation  
9 services.

10 (b) The probation officer, in order to be eligible for  
11 State reimbursement, is receiving a salary of at least  
12 \$17,000 per year.

13 (c) The probation officer is appointed or was  
14 reappointed in accordance with minimum qualifications or  
15 criteria established by the Agency ~~Supreme Court~~; however,  
16 all probation officers appointed prior to January 1, 1978,  
17 shall be exempted from the minimum requirements  
18 established by the Agency ~~Supreme Court~~. Payments shall be  
19 made to counties employing these exempted probation  
20 officers as long as they are employed in the position held  
21 on the effective date of this amendatory Act of 1985.  
22 Promotions shall be governed by minimum qualifications  
23 established by the Agency ~~Supreme Court~~.

24 (d) The Department has an established compensation  
25 schedule approved by the Agency ~~Supreme Court~~. The  
26 compensation schedule shall include salary ranges with

1 necessary increments to compensate each employee. The  
2 increments shall, within the salary ranges, be based on  
3 such factors as bona fide occupational qualifications,  
4 performance, and length of service. Each position in the  
5 Department shall be placed on the compensation schedule  
6 according to job duties and responsibilities of such  
7 position. The policy and procedures of the compensation  
8 schedule shall be made available to each employee.

9 (8) In order to obtain full reimbursement of all approved  
10 costs, each Department must continue to employ at least the  
11 same number of probation officers and probation managers as  
12 were authorized for employment for the fiscal year which  
13 includes January 1, 1985. This number shall be designated as  
14 the base amount of the Department. No positions approved by the  
15 Agency Division under paragraph (b) of subsection 4 will be  
16 included in the base amount. In the event that the Department  
17 employs fewer Probation officers and Probation managers than  
18 the base amount for a period of 90 days, funding received by  
19 the Department under subsection 4 of this Section may be  
20 reduced on a monthly basis by the amount of the current  
21 salaries of any positions below the base amount.

22 (9) Before the 15th day of each month, the treasurer of any  
23 county which has a Probation and Court Services Department, or  
24 the treasurer of the most populous county, in the case of a  
25 Probation or Court Services Department funded by more than one  
26 county, shall submit an itemized statement of all approved

1 costs incurred in the delivery of Basic Probation and Court  
2 Services under this Act to the Agency ~~Supreme Court~~. The  
3 treasurer may also submit an itemized statement of all approved  
4 costs incurred in the delivery of new and expanded Probation  
5 and Court Services as well as Individualized Services and  
6 Programs. The Agency ~~Supreme Court~~ or its designee shall verify  
7 compliance with this Section and shall examine and audit the  
8 monthly statement and, upon finding them to be correct, shall  
9 forward them to the Comptroller for payment to the county  
10 treasurer. In the case of payment to a treasurer of a county  
11 which is the most populous of counties sharing the salary and  
12 expenses of a Probation and Court Services Department, the  
13 treasurer shall divide the money between the counties in a  
14 manner that reflects each county's share of the cost incurred  
15 by the Department.

16 (10) The county treasurer must certify that funds received  
17 under this Section shall be used solely to maintain and improve  
18 Probation and Court Services. The county or circuit shall  
19 remain in compliance with all standards, policies and  
20 regulations established by the Agency ~~Supreme Court~~. If at any  
21 time the Agency ~~Supreme Court~~ determines that a county or  
22 circuit is not in compliance, the Agency ~~Supreme Court~~ shall  
23 immediately notify the ~~Chief Judge~~, county board chairman or  
24 president and the Director of Court Services Chief Probation  
25 Officer. If after 90 days of written notice the noncompliance  
26 still exists, the Agency ~~Supreme Court~~ shall be required to

1 reduce the amount of monthly reimbursement by 10%. An  
2 additional 10% reduction of monthly reimbursement shall occur  
3 for each consecutive month of noncompliance. Except as provided  
4 in subsection 5 of Section 15, funding to counties shall  
5 commence on April 1, 1986. Funds received under this Act shall  
6 be used to provide for Probation Department expenses including  
7 those required under Section 13 of this Act. The Mandatory  
8 Arbitration Fund may be used to provide for Probation  
9 Department expenses, including those required under Section 13  
10 of this Act.

11 (11) The respective counties shall be responsible for  
12 capital and space costs, fringe benefits, clerical costs,  
13 equipment, telecommunications, postage, commodities and  
14 printing.

15 (12) For purposes of this Act only, probation officers  
16 shall be considered peace officers. In the exercise of their  
17 official duties, probation officers, sheriffs, and police  
18 officers may, anywhere within the State, arrest any probationer  
19 who is in violation of any of the conditions of his or her  
20 probation, conditional discharge, or supervision, and it shall  
21 be the duty of the officer making the arrest to take the  
22 probationer before the Court having jurisdiction over the  
23 probationer for further order.

24 (Source: P.A. 94-91, eff. 7-1-05; 94-696, eff. 6-1-06; 94-839,  
25 eff. 6-6-06; 95-707, eff. 1-11-08.)

1 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

2 Sec. 15.1. Probation and Court Services Fund.

3 (a) The county treasurer in each county shall establish a  
4 probation and court services fund consisting of fees collected  
5 pursuant to subsection (i) of Section 5-6-3 and subsection (i)  
6 of Section 5-6-3.1 of the Unified Code of Corrections,  
7 subsection (10) of Section 5-615 and subsection (5) of Section  
8 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of  
9 subsection (b) of Section 110-10 of the Code of Criminal  
10 Procedure of 1963. The county treasurer shall disburse monies  
11 from the fund only at the direction of the county board ~~chief~~  
12 ~~judge of the circuit court in such circuit~~ where the county is  
13 located. The county treasurer of each county shall, on or  
14 before January 10 of each year, submit an annual report to the  
15 Agency ~~Supreme Court~~.

16 (b) Monies in the probation and court services fund shall  
17 be appropriated by the county board to be used within the  
18 county or jurisdiction where collected in accordance with  
19 policies and guidelines approved by the Agency ~~Supreme Court~~  
20 for the costs of operating the probation and court services  
21 department or departments; however, except as provided in  
22 subparagraph (g), monies in the probation and court services  
23 fund shall not be used for the payment of salaries of probation  
24 and court services personnel.

25 (c) Monies expended from the probation and court services  
26 fund shall be used to supplement, not supplant, county

1 appropriations for probation and court services.

2 (d) Interest earned on monies deposited in a probation and  
3 court services fund may be used by the county for its ordinary  
4 and contingent expenditures.

5 (e) The county board may appropriate moneys from the  
6 probation and court services fund, upon the direction of the  
7 county board ~~chief judge~~, to support programs that are part of  
8 the continuum of juvenile delinquency intervention programs  
9 which are or may be developed within the county. The grants  
10 from the probation and court services fund shall be for no more  
11 than one year and may be used for any expenses attributable to  
12 the program including administration and oversight of the  
13 program by the probation department.

14 (f) The county board may appropriate moneys from the  
15 probation and court services fund, upon the direction of the  
16 county board ~~chief judge~~, to support practices endorsed or  
17 required under the Sex Offender Management Board Act, including  
18 but not limited to sex offender evaluation, treatment, and  
19 monitoring programs that are or may be developed within the  
20 county.

21 (g) (Blank) ~~For the State Fiscal Years 2005, 2006, and 2007~~  
22 ~~only, the Administrative Office of the Illinois Courts may~~  
23 ~~permit a county or circuit to use its probation and court~~  
24 ~~services fund for the payment of salaries of probation officers~~  
25 ~~and other court services personnel whose salaries are~~  
26 ~~reimbursed under this Act if the State's FY2005, FY2006, or~~

1 ~~FY2007 appropriation to the Supreme Court for reimbursement to~~  
2 ~~counties for probation salaries and services is less than the~~  
3 ~~amount appropriated to the Supreme Court for these purposes for~~  
4 ~~State Fiscal Year 2004. The Administrative Office of the~~  
5 ~~Illinois Courts shall take into account each county's or~~  
6 ~~circuit's probation fee collections and expenditures when~~  
7 ~~apportioning the total reimbursement for each county or~~  
8 ~~circuit.~~

9 (h) The Agency ~~Administrative Office of the Illinois Courts~~  
10 may permit a county or circuit to use its probation and court  
11 services fund for the payment of salaries of probation officers  
12 and other court services personnel whose salaries are  
13 reimbursed under this Act in any State fiscal year that the  
14 appropriation for reimbursement to counties for probation  
15 salaries and services is less than the amount appropriated to  
16 the Agency ~~Supreme Court~~ for these purposes for State Fiscal  
17 Year 2002. The Agency ~~Administrative Office of the Illinois~~  
18 ~~Courts~~ shall take into account each county's or circuit's  
19 probation fee collections and expenditures when appropriating  
20 the total reimbursement for each county or circuit. Any amount  
21 appropriated to the Agency ~~Supreme Court~~ in any State fiscal  
22 year for the purpose of reimbursing Cook County for the  
23 salaries and operations of the Cook County Juvenile Temporary  
24 Detention Center shall not be counted in the total  
25 appropriation to the Agency ~~Supreme Court~~ in that State fiscal  
26 year for reimbursement to counties for probation salaries and

1 services, for the purposes of this paragraph (h).

2 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,  
3 eff. 1-11-08.)

4 (730 ILCS 110/16) (from Ch. 38, par. 204-8)

5 Sec. 16. (1) The purpose of the Section is to encourage the  
6 development of a coordinated justice system. It is the  
7 legislative policy of the State to more effectively protect  
8 society, to promote efficiency and economy in the delivery of  
9 services to offenders and to encourage utilization of  
10 appropriate sentencing alternatives to imprisonment in State  
11 operated institutions. This Section shall be construed to  
12 support the development of local individualized programs which  
13 will:

14 (a) Provide a continuum of sanctions to increase sentencing  
15 options to the judiciary of the State;

16 (b) Enable the Courts to utilize programs which enhance the  
17 offender's ability to become a contributing member to his or  
18 her community and which will increase the benefits to victims  
19 and the communities through restitution;

20 (c) Increase sentencing alternatives for less serious  
21 felony offenders and delinquent juveniles in order to reserve  
22 prisons and jail beds for serious violent offenders.

23 (2) Any local plan for implementation of individualized  
24 services and programs may include but are not limited to the  
25 following:

1 (a) Direct offender services - those services applied  
2 directly to offenders, including job readiness, educational,  
3 vocational, drug or alcohol treatment services; and

4 (b) Nonresidential rehabilitation programs - those  
5 programs which comprise a coordinated network within the  
6 justice system which expand sentencing options for the  
7 judiciary, including drunk driver diversion programs, public  
8 services employment, restitution collection; and

9 (c) Emergency services - including detoxification,  
10 emergency shelter and support; and

11 (d) Assessment and evaluation services - reports or  
12 diagnostic recommendations to provide the justice system with  
13 accurate individualized case information, including mental  
14 health, drug, alcohol, and living situation information; and

15 (e) Residential alternative sentencing programs - those  
16 programs which provide expanded sentencing options for less  
17 serious felony offenders and delinquent juveniles, including  
18 mother and child unification programs.

19 The local plan must be directed in such a manner as to  
20 emphasize an individualized approach to servicing offenders in  
21 a strong community based system including probation as the  
22 broker of services.

23 The local plan shall be limited to services and shall not  
24 include costs for:

25 (a) capital expenditures;

26 (b) renovations or remodeling;

1 (c) personnel costs for Probation.

2 (3) A county may make application to the Agency ~~Supreme~~  
3 ~~Court~~ for funds to provide for Individualized Services and  
4 Programs. The Department shall be in compliance with all  
5 standards and regulations established by the Agency ~~Division~~  
6 for the delivery of basic Services and application shall be  
7 part of the Department's annual Probation plan and shall set  
8 forth the following:

9 (a) a statement of objectives for which said funds shall be  
10 used;

11 (b) a statement of service needs based upon persons under  
12 supervision of the Department;

13 (c) a statement of the type of services and programs to  
14 provide for the individual needs of offenders;

15 (d) a budget indicating the costs of each service or  
16 program to be funded under the plan;

17 (e) a summary of contracts and service agreements  
18 indicating the treatment goals and number of offenders to be  
19 served by each service provider; and

20 (f) a statement indicating that the individualized  
21 services and programs will not be duplicating existing services  
22 and programs.

23 Funds for this plan shall not supplant existing county  
24 funded programs. The allocation of payments for adult and  
25 juvenile services under the local plan shall be based on the  
26 proportionate adult and juvenile workload of the department or

1 departments covered by the local plan.

2 (4) A county or group of counties shall be eligible to  
3 apply for an amount of funding not to exceed the same  
4 proportionate share of total appropriations for Individualized  
5 Services and Programs as the county or group of counties  
6 received of total State reimbursements under subsection 4 of  
7 Section 15 of this Act or previous Probation subsidy programs  
8 in the prior State fiscal year. However the Agency ~~Supreme~~  
9 ~~Court~~ may waive this limitation to encourage the participation  
10 of rural counties.

11 The Agency ~~Supreme Court~~ shall forward Individualized  
12 Services and Programs allocations to the county treasurer as  
13 provided in Section 15 of this Act. Each county shall receive,  
14 maintain, and appropriate said funds in a separate line item  
15 account of the probation department budget. In addition, the  
16 Agency ~~Supreme Court~~ shall, upon approval of the annual plan,  
17 forward 20% of the approved Individualized Services and  
18 Programs allocations to the county treasurer to be deposited in  
19 said line item account. Subsequent allocations shall be made to  
20 the county on a monthly basis.

21 It shall be the responsibility of the county through the  
22 probation budget and in accordance with county policy and  
23 procedure to make payments for Individualized Services and  
24 Programs.

25 At the end of the State of Illinois fiscal year, the county  
26 shall promptly return any uncommitted and unused funds from

1 this account.

2 (5) The Agency ~~Supreme Court~~ shall be responsible for the  
3 following:

4 (a) The Agency ~~Supreme Court~~ may review each Individualized  
5 Services and Programs plan for compliance with standards  
6 established for such plans. A plan may be approved as  
7 submitted, approved with modifications, or rejected. No plan  
8 shall be considered for approval if the circuit or county is  
9 not in full compliance with all regulations, standards and  
10 guidelines pertaining to the delivery of basic probation  
11 services as established by the Agency ~~Supreme Court~~.

12 (b) The Agency ~~Supreme Court~~ shall monitor on a continual  
13 basis and shall evaluate annually both the program and its  
14 fiscal activities in all counties receiving an allocation under  
15 Individualized Services and Programs. Any program or service  
16 which has not met the goals and objectives of its contract or  
17 service agreement shall be subject to denial for funding in  
18 subsequent years. The Agency ~~Supreme Court~~ shall evaluate the  
19 effectiveness of Individualized Services and Programs in each  
20 circuit or county. In determining the future funding for  
21 Individualized Services and Programs under this Act, such  
22 evaluation shall include, as a primary indicator of success, an  
23 increased or maintained percentage of probation sentences for  
24 felons convicted of probationable offenses.

25 (c) Any Individualized Services and Programs allocations  
26 not applied for and approved by the Agency ~~Supreme Court~~ shall

1 be available for redistribution to approved plans for the  
2 remainder of that fiscal year. Any county that invests local  
3 moneys in the Individualized Services and Programs shall be  
4 given first consideration for any redistribution of  
5 allocations.

6 (Source: P.A. 86-639.)

7 (730 ILCS 110/16.1)

8 Sec. 16.1. Redeploy Illinois Program.

9 (a) The purpose of this Section is to encourage the  
10 deinstitutionalization of juvenile offenders establishing  
11 pilot projects in counties or groups of counties that  
12 reallocate State funds from juvenile correctional confinement  
13 to local jurisdictions, which will establish a continuum of  
14 local, community-based sanctions and treatment alternatives  
15 for juvenile offenders who would be incarcerated if those local  
16 services and sanctions did not exist. The allotment of funds  
17 will be based on a formula that rewards local jurisdictions for  
18 the establishment or expansion of local alternatives to  
19 incarceration, and requires them to pay for utilization of  
20 incarceration as a sanction. This redeployment of funds shall  
21 be made in a manner consistent with the Juvenile Court Act of  
22 1987 and the following purposes and policies:

23 (1) The juvenile justice system should protect the  
24 community, impose accountability to victims and  
25 communities for violations of law, and equip juvenile

1 offenders with competencies to live responsibly and  
2 productively.

3 (2) Juveniles should be treated in the least  
4 restrictive manner possible while maintaining the safety  
5 of the community.

6 (3) A continuum of services and sanctions from least  
7 restrictive to most restrictive should be available in  
8 every community.

9 (4) There should be local responsibility and authority  
10 for planning, organizing, and coordinating service  
11 resources in the community. People in the community can  
12 best choose a range of services which reflect community  
13 values and meet the needs of their own youth.

14 (5) Juveniles who pose a threat to the community or  
15 themselves need special care, including secure settings.  
16 Such services as detention, long-term incarceration, or  
17 residential treatment are too costly to provide in each  
18 community and should be coordinated and provided on a  
19 regional or Statewide basis.

20 (6) The roles of State and local government in creating  
21 and maintaining services to youth in the juvenile justice  
22 system should be clearly defined. The role of the State is  
23 to fund services, set standards of care, train service  
24 providers, and monitor the integration and coordination of  
25 services. The role of local government should be to oversee  
26 the provision of services.

1           (b) Each county or circuit participating in the pilot  
2 program must create a local plan demonstrating how it will  
3 reduce the county or circuit's utilization of secure  
4 confinement of juvenile offenders in the Illinois Department of  
5 Juvenile Justice or county detention centers by the creation or  
6 expansion of individualized services or programs that may  
7 include but are not limited to the following:

8           (1) Assessment and evaluation services to provide the  
9 juvenile justice system with accurate individualized case  
10 information on each juvenile offender including mental  
11 health, substance abuse, educational, and family  
12 information;

13           (2) Direct services to individual juvenile offenders  
14 including educational, vocational, mental health,  
15 substance abuse, supervision, and service coordination;  
16 and

17           (3) Programs that seek to restore the offender to the  
18 community, such as victim offender panels, teen courts,  
19 competency building, enhanced accountability measures,  
20 restitution, and community service. The local plan must be  
21 directed in such a manner as to emphasize an individualized  
22 approach to providing services to juvenile offenders in an  
23 integrated community based system including probation as  
24 the broker of services. The plan must also detail the  
25 reduction in utilization of secure confinement. The local  
26 plan shall be limited to services and shall not include

1 costs for:

2 (i) capital expenditures;

3 (ii) renovations or remodeling;

4 (iii) personnel costs for probation.

5 The local plan shall be submitted to the Department of  
6 Human Services.

7 (c) A county or group of counties may develop an agreement  
8 with the Department of Human Services to reduce their number of  
9 commitments of juvenile offenders, excluding minors sentenced  
10 based upon a finding of guilt of first degree murder or an  
11 offense which is a Class X forcible felony as defined in the  
12 Criminal Code of 1961, to the Department of Juvenile Justice,  
13 and then use the savings to develop local programming for youth  
14 who would otherwise have been committed to the Department of  
15 Juvenile Justice. A county or group of counties shall agree to  
16 limit their commitments to 75% of the level of commitments from  
17 the average number of juvenile commitments for the past 3  
18 years, and will receive the savings to redeploy for local  
19 programming for juveniles who would otherwise be held in  
20 confinement. For any county or group of counties with a  
21 decrease of juvenile commitments of at least 25%, based on the  
22 average reductions of the prior 3 years, which are chosen to  
23 participate or continue as pilot sites, the Redeploy Illinois  
24 Oversight Board has the authority to reduce the required  
25 percentage of future commitments to achieve the purpose of this  
26 Section. The agreement shall set forth the following:

1           (1) a Statement of the number and type of juvenile  
2 offenders from the county who were held in secure  
3 confinement by the Illinois Department of Juvenile Justice  
4 or in county detention the previous year, and an  
5 explanation of which, and how many, of these offenders  
6 might be served through the proposed Redeploy Illinois  
7 Program for which the funds shall be used;

8           (2) a Statement of the service needs of currently  
9 confined juveniles;

10           (3) a Statement of the type of services and programs to  
11 provide for the individual needs of the juvenile offenders,  
12 and the research or evidence base that qualifies those  
13 services and programs as proven or promising practices;

14           (4) a budget indicating the costs of each service or  
15 program to be funded under the plan;

16           (5) a summary of contracts and service agreements  
17 indicating the treatment goals and number of juvenile  
18 offenders to be served by each service provider; and

19           (6) a Statement indicating that the Redeploy Illinois  
20 Program will not duplicate existing services and programs.  
21 Funds for this plan shall not supplant existing county  
22 funded programs.

23           (d) (Blank) .

24           (e) The Department of Human Services shall be responsible  
25 for the following:

26           (1) Reviewing each Redeploy Illinois Program plan for

1 compliance with standards established for such plans. A  
2 plan may be approved as submitted, approved with  
3 modifications, or rejected. No plan shall be considered for  
4 approval if the circuit or county is not in full compliance  
5 with all regulations, standards and guidelines pertaining  
6 to the delivery of basic probation services as established  
7 by the Agency ~~Supreme Court~~.

8 (2) Monitoring on a continual basis and evaluating  
9 annually both the program and its fiscal activities in all  
10 counties receiving an allocation under the Redeploy  
11 Illinois Program. Any program or service that has not met  
12 the goals and objectives of its contract or service  
13 agreement shall be subject to denial for funding in  
14 subsequent years. The Department of Human Services shall  
15 evaluate the effectiveness of the Redeploy Illinois  
16 Program in each circuit or county. In determining the  
17 future funding for the Redeploy Illinois Program under this  
18 Act, the evaluation shall include, as a primary indicator  
19 of success, a decreased number of confinement days for the  
20 county's juvenile offenders.

21 (f) Any Redeploy Illinois Program allocations not applied  
22 for and approved by the Department of Human Services shall be  
23 available for redistribution to approved plans for the  
24 remainder of that fiscal year. Any county that invests local  
25 moneys in the Redeploy Illinois Program shall be given first  
26 consideration for any redistribution of allocations.

1 Jurisdictions participating in Redeploy Illinois that exceed  
2 their agreed upon level of commitments to the Department of  
3 Juvenile Justice shall reimburse the Department of Corrections  
4 for each commitment above the agreed upon level.

5 (g) Implementation of Redeploy Illinois.

6 (1) Planning Phase.

7 (i) Redeploy Illinois Oversight Board. The  
8 Department of Human Services shall convene an  
9 oversight board to develop plans for a pilot Redeploy  
10 Illinois Program. The Board shall include, but not be  
11 limited to, designees from the Department of Juvenile  
12 Justice, the Illinois Office of Probation Services  
13 ~~Administrative Office of Illinois Courts~~, the Illinois  
14 Juvenile Justice Commission, the Illinois Criminal  
15 Justice Information Authority, the Department of  
16 Children and Family Services, the State Board of  
17 Education, the Cook County State's Attorney, and a  
18 State's Attorney selected by the President of the  
19 Illinois State's Attorney's Association.

20 (ii) Responsibilities of the Redeploy Illinois  
21 Oversight Board. The Oversight Board shall:

22 (A) Identify jurisdictions to be invited in  
23 the initial pilot program of Redeploy Illinois.

24 (B) Develop a formula for reimbursement of  
25 local jurisdictions for local and community-based  
26 services utilized in lieu of commitment to the

1 Department of Juvenile Justice, as well as for any  
2 charges for local jurisdictions for commitments  
3 above the agreed upon limit in the approved plan.

4 (C) Identify resources sufficient to support  
5 the administration and evaluation of Redeploy  
6 Illinois.

7 (D) Develop a process and identify resources  
8 to support on-going monitoring and evaluation of  
9 Redeploy Illinois.

10 (E) Develop a process and identify resources  
11 to support training on Redeploy Illinois.

12 (F) Report to the Governor and the General  
13 Assembly on an annual basis on the progress of  
14 Redeploy Illinois.

15 (iii) Length of Planning Phase. The planning phase  
16 may last up to, but may in no event last longer than,  
17 July 1, 2004.

18 (2) Pilot Phase. In the second phase of the Redeploy  
19 Illinois program, the Department of Human Services shall  
20 implement several pilot programs of Redeploy Illinois in  
21 counties or groups of counties as identified by the  
22 Oversight Board. Annual review of the Redeploy Illinois  
23 program by the Oversight Board shall include  
24 recommendations for future sites for Redeploy Illinois.

25 (Source: P.A. 93-641, eff. 12-31-03; 94-696, eff. 6-1-06;  
26 94-1032, eff. 1-1-07.)